

Presentment Date: March 1, 2018

Objection Deadline: February 28, 2018 at 5:00 p.m. (Atlantic Standard Time)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

PROMESA
Title III

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

Case No. 17 BK 3283-LTS

(Jointly Administered)

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

PROMESA
Title III

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

Case No. 17 BK 4780-LTS

**This Motion relates only
to PREPA, and shall be filed in
Case No. 17 BK 3283-LTS and
Case No. 17 BK 4780-LTS**

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**NOTICE OF PRESENTMENT OF ORDER PARTIALLY GRANTING
MOTION FOR A MODIFICATION OF THE AUTOMATIC STAY**

PLEASE TAKE NOTICE that on January 9, 2018, Abengoa, S.A. ("ASA") and its wholly-owned subsidiary Abengoa Puerto Rico, S.E. ("APR") (jointly "Abengoa") filed a motion for relief from the automatic stay [Case No. 17-bk-4780, ECF No. 528].

¹ The Debtors in the jointly-administered Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

PLEASE TAKE FURTHER NOTICE that on January 23, 2018, the Puerto Rico Electric Power Authority (“PREPA”) filed an objection to Abengoa’s motion [Case No. 17-bk-4780, ECF No. 541].

PLEASE TAKE FURTHER NOTICE at the February 7, 2018 omnibus hearing, PREPA and Abengoa informed the Court that they reached an agreement to partially resolve Abengoa’s motion.

PLEASE TAKE FURTHER NOTICE the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of PREPA, hereby presents the *Order Partially Granting Motion for a Modification of the Automatic Stay* (the “Abengoa Lift Stay Order”) to the Honorable Laura Taylor Swain, United States District Judge, sitting in the United States District Court for the District of Puerto Rico, 150 Carlos Chardón Street, Federal Building, Office 150, San Juan, P.R. 00918-1767 for signature on **March 1, 2018**.

PLEASE TAKE FURTHER NOTICE that the Abengoa Lift Stay Order is attached as Exhibit 1.

PLEASE TAKE FURTHER NOTICE that unless a written objection to the Abengoa Lift Stay Order is filed with the Court in accordance with the *Third Amended Notice, Case Management and Administrative Procedures* (the “Case Management Procedures”) [Case No. 17-bk-3283, ECF No. 1512-1] by **5:00 p.m. (AST) on February 28, 2018**, no hearing will be held and the Abengoa Lift Stay Order may be approved by this Court.

Dated: February 22, 2018
San Juan, Puerto Rico

Respectfully submitted,

THE PUERTO RICO FISCAL AGENCY AND
FINANCIAL ADVISORY AUTHORITY,

By its attorneys,

/s/ Kevin D. Finger

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PUERTO RICO ELECTRIC POWER
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By its attorneys,

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Exhibit 1

Abengoa Lift Stay Order

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO *et al.*,

Debtors.¹

PROMESA Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA Title III

Case No. 17 BK 4780-LTS

**Court Filing Relates Only to
PREPA and Shall Only Be Filed
in Case No. 17 BK 4780-LTS**

ORDER PARTIALLY GRANTING MOTION FOR A MODIFICATION OF THE AUTOMATIC STAY

Debtor Puerto Rico Electric Power Authority (“PREPA”) is the defendant, counterclaim plaintiff, and third-party plaintiff in Case No. K AC 2000-2759 (803), titled Abengoa Puerto Rico, S.E. v. Autoridad de Energía Eléctrica de Puerto Rico, pending before the Superior Court of San

¹ The Debtors in the jointly-administered Title III cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Juan, Puerto Rico (the “Litigation”). Abengoa, S.A. and its wholly-owned subsidiary Abengoa Puerto Rico, S.E. (“Movants”), the plaintiff/counterclaim defendant and a third-party defendant in the Litigation, have requested by Motion and Memorandum of January 9, 2018 (the “Motion,” Doc. No. 528) that the Bankruptcy Code Section 362 automatic stay applicable by way of PROMESA Section 301(a) be modified so as to allow for the resumption of the previously commenced Litigation trial in mid-June 2018. PREPA, appearing through the Puerto Rico Fiscal Agency and Financial Authority (“AAFAF”), filed an Objection to said Motion (Doc. No. 541), to which Movants submitted their Reply (Doc. No. 544).

At the February 7, 2018 omnibus hearing PREPA and the Movants reached an agreement whereby they stipulated to modify the automatic stay for purposes of completing and executing stipulations of fact, excerpts of testimony, and admissibility of documents required by the Special Master assigned to the Litigation, a process which necessarily involves the participation of the Special Master. PREPA and the Movants also agreed to modify the automatic stay to allow the parties to engage in settlement negotiations to the extent they would otherwise be precluded by the stay, and to set the Motion over until the April 25, 2018 Omnibus Hearing.

In light of said stipulation, the Motion is granted, in part, as follows.

(1) The automatic stay is hereby modified with respect to the Litigation for the limited purpose of allowing PREPA and the Movants to complete and execute stipulations of facts, excerpts of testimony, and admissibility of relevant documents as required by the Special Master, a process which will necessarily require the participation of the Special Master.

(2) The automatic stay is also modified to the extent required to allow the parties to engage in negotiations towards a potential settlement of the Litigation.

(3) The Motion is hereby rescheduled for the April 25, 2018 Omnibus Hearing with respect to the issue of the trial resumption date. The Movants and PREPA shall issue a joint report on the status of this matter on or before April 23, 2018 at 12:00 P.M. AST.

(4) The automatic stay shall remain in effect for any and all other purposes until further order of this Court.

Docket entries nos. 528, 541 and 544 are hereby rescheduled for the April 25, 2018 Omnibus Hearing.

SO ORDERED.

Dated: _____, 2018

LAURATAYLOR SWAIN
United States District Judge